

CIVIL SERVICE COMMISSION MINUTES

February 6, 2002

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Gordon Austin
Barry I. Newman
Roy Dixon
Sigrid Pate
Mary Gwen Brummitt

Absent was: None.

Comprising a quorum of the Commission

Support Staff Present:

Larry Cook, Executive Officer
Ralph Shadwell, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

CIVIL SERVICE COMMISSION MINUTES
February 6, 2002

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway,
San Diego, California 92101

PRE-AGENDA CONFERENCE

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
4,6,7,9,11	10	5	4

COMMENTS Motion by Newman to approve all items not held for discussion; seconded by Dixon. Carried.

CLOSED SESSION AGENDA
County Administration Center, Room 458
(Notice pursuant to Government Code Sec. 54954.2)
Members of the Public may be present at this
location to hear the announcement of the
Closed Session Agenda

- A. Public Employee Performance Evaluation and Employment.
Title: Executive Officer, Civil Service Commission.

REGULAR AGENDA
County Administration Center, Room 358

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and it is approved by the President of the Commission.

MINUTES

1. Approval of the Minutes of the regular meeting of January 16, 2002.

 Approved.

CONFIRMATION OF ASSIGNMENTS

2. Commissioner Austin: Wendell Prude, S.E.I.U. Local 2028, on behalf of **Jack Richardson**, Custodian, appealing an Order Of Reduction in Step for Six (6) Months and Charges from the Office of the Medical Examiner.

Confirmed.

3. Commissioner Pate: Robyn Ranks, Esq., on behalf of **Lori Kuhn**, former Registered Veterinary Technician, appealing an Order of Termination and Charges from the Department of Animal Control.

Confirmed.

DISCRIMINATION

Complaints

4. Barrett J. Foerster, Esq., on behalf of **Alfred LeSane**, Deputy Public Defender II, demanding the Commission proceed with its investigation. (Continued from the Commission meeting of January 16, 2002.)

RECOMMENDATION: Deny Request.

Barrett Foerster, Esq., on behalf of Mr. LeSane requested the Commission to accept a withdrawal of Employee's Rule VI complaint. He stated that Mr. LeSane would be proceeding with a Rule X appeal, at which time Mr. Cook, Executive Officer, explained that staff would request input from the Department and the Rule X appeal would be placed on the next agenda for review and consideration.

Motion by Austin to accept withdrawal of the Rule VI appeal; seconded by Dixon. Carried.

5. **Rosemarie Kurupas**, Sheriff's Sergeant, alleging retaliation discrimination by the Sheriff's Department. (See Item No. 6 below.)

RECOMMENDATION: Assign an Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

Staff recommendation approved. Commissioner Dixon appointed.

SELECTION PROCESS

6. **Rosemarie Kurupas**, Sheriff's Sergeant, appealing the Department of Human Resources' decision to disqualify her from further competing in the exam process for the classification of Sheriff's Lieutenant. (See Item No. 5 above.)

RECOMMENDATION: Hold in abeyance pending the outcome of the discrimination investigation listed above.

Corrine Miller, Sr. Human Resources Analyst in DHR addressed the Commission regarding this item, as well as item no. 5 above. She briefly explained the testing procedure and stated that she felt DHR should not be involved in the Rule VI discrimination appeal. Larry Cook, Executive Officer, explained to Ms. Miller that the timely discrimination complaint would be sent to OIA for investigation. Following the dispensation of the Rule VI matter, the Rule X would then be addressed by the Commission, referred to DHR for its position and placed on a future agenda for consideration and recommendation.

Motion by Newman to accept staff recommendation; seconded by Dixon. Carried.

RECONSIDERATION

7. Stewart Kocivar, S.E.I.U. Local 535, on behalf of **Joseph Diaz**, former Protective Services Worker II, requesting reconsideration of the Commission's January 16, 2002 decision not to grant Mr. Diaz's appeal of an Order of Removal and Charges from the Health and Human Services Agency due to its late filing.

RECOMMENDATION: Allow parties to address the Commission regarding the

request for reconsideration.

Ralph Shadwell, Sr. Deputy County Counsel, addressed the Commission regarding reconsideration of the motion on this matter at the January 16th meeting. After reviewing case law, Mr. Shadwell advised the Commission that this administrative agency does not have the authority to reconsider its determination.

Anthony Albers, Esq. objected to anyone speaking to this matter, and asked the Commission to uphold its determination on this matter. Mr. Shadwell advised that under the Ralph M. Brown Act, anyone who wished to address the Commission regarding this matter, or any other matter on the Agenda, had a right to do so.

Stewart Kocivar, S.E.I.U. Local 535, and Mr. Diaz both spoke to this issue, requesting that the Commission reconsider its determination. Mr. Diaz advised that he would proceed with his proper legal remedies.

Motion by Dixon to accept counsel's recommendation that Commission cannot allow a reconsideration; seconded by Pate. Carried.

OTHER MATTERS

Extension of Temporary Appointments

8. Health and Human Services Agency

- A. 8 Protective Services Worker I's (Louis Monteilh, Jeffrey Kay, Blake Zimmet, Sophia Sanchez, Crystal Hopkins, Christina Thoren, Vanessa Hermisillo, Herbert Onyegbule)
- B. 2 Protective Services Worker II's (Michelle Bissi, Rosalie Zuniga)
- C. 3 Recreational Care Worker Trainees (Ana Hernandez, Courtney Maddy, Maurice Lopez)
- D. 1 Recreational Care Worker II (Elizabeth Berrones-Diaz)

RECOMMENDATION: Ratify Item No. 8.

Item No. 8 ratified.

Records Retention

9. Larry Cook, Executive Officer: Update on Records Retention.

Mr. Cook gave a brief update on the committee that was formed 2 years ago to review the records retention policy for the County. He explained that due to the new County-wide technology currently being implemented, many of the committee members have been pulled toward that end.

Anthony Albers, Sr. Deputy County Counsel, further explained that the Committee has been involved in the People Soft project, which includes issues on record retention. There have been no follow-up meetings recently since the technology must be in place prior to policy being created and enforced.

Commissioner Newman questioned whether policy should come before technology in this instance. His position is that once policy is created, the resulting technology can be synchronized and/or modified to

accommodate policy/procedure.

Mr. Cook will keep the Commission apprised regarding records retention.

Compensation

10. Commissioner Brummitt: Adjustment of compensation for the Commission's Executive Officer to the current control point based on the Board of Supervisors' recent amendment to the Compensation Ordinance. (Tabled from the Commission meeting of January 16, 2002.)

RECOMMENDATION: Continue.

Staff recommendation approved. Continued.

11. Dialogue between the Commission and Sheriff's Counsel.

The Sheriff's Department, represented by Robert Faigin, Esq., John Madigan, Esq., and Sanford Toyen, Esq., presented an informative exchange regarding personnel practices and procedures within the Department. Included in the dialogue was a presentation by Keith Spears regarding the Department's new performance appraisal program.

12. Public Input.

ADJOURNMENT: 5:00 p.m.

NEXT MEETING OF THE CIVIL SERVICE COMMISSION WILL BE MARCH 6, 2002.